

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #242
12/19/16**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chairman David Collins, Debra Chabot, William Smagula, Kris Blomback, Raymond Donald, Georgia Murray (via. Conf. Call)

MEMBERS NOT PRESENT: Ryan Bielagus, Mark Lambert

NHDES – ARD PERSONNEL: Craig Wright, Mike Fitzgerald, Gary Milbury, Cathy Beahm, Evan Mulholland, Anne Keach, Karla McManus

OTHERS PRESENT: Shelley Marshall

Call to Order:

Chairman Duval called Meeting #242 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, December 19, 2016. Chairman Duval announced that a quorum of the ARC was present. Chairman Duval welcomed Shelley Marshall, Administrative Supervisor for the Air Resources Division (ARD) as the secretary for the ARC. Shelley Marshall has over 23 years' experience with the State employment, with DMV / E-911 / and State Police and is now looking forward to working with the ARD and ARC.

Approval of Minutes:

Vice-Chairman David Collins entered a motion to accept the minutes of meeting #241. Raymond Donald seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #241 of October 17, 2016, were approved and accepted by the ARC.

Division Activities and Legislative Update:

Chairman Duval introduced Craig Wright, Director of the Air Resources Division (ARD). Director Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

Resignation of Commissioner, Thomas Burack

Director Wright reported that early November the NHDES Commissioner, Thomas Burack's announced that he will be resigning as NHDES Commissioner. His resignation will be accepted at the Governor and Council Meeting on December 21, 2016. During the period of the position vacancy, Assistant Commissioner Clark B. Freise, will serve as Acting Commissioner during the period of position vacancy. Departing Commissioner Burack's term expires in 2018.

NHDES Employee of the Year

Director Wright announced that Chris Skoglund, Climate Change Programs Manager for the Air Resources Division won the 2017 NHDES Employee of the Year Award for his work with the climate change initiatives of six New England states and Eastern Canadian Provinces. Chris Skoglund had been nominated four times prior to winning NHDES Employee of the Year 2017.

FY 18-19 Budget

Director Wright reported that the NHDES budget was presented at the Governor's budget hearing and was favorably received although cautioned that the Governor-Elect's budget may be slightly lesser; however, the ARD receives only a small portion of General Funds. Director Wright proposed that the General fund money of \$475,000.00 to support the State permit program and also a fee increase on motor vehicle fees to go from .25 ¢ to .75 ¢. Have not received any feed back from Governor Elect on either idea.

Permitting

Schiller Station, Portsmouth, NH:

A public hearing was held on December 14, 2016, at the Portsmouth Public Library to receive public comment regarding Section 126 Petition filed by the Sierra Club.

Newington Station, Newington, NH:

A public hearing has been scheduled for December 20, 2016, at the Newington Town Hall in order to receive public comments regarding the issuance of a temporary permit for Newington Station.

Tennessee Gas Pipeline, Concord Expansion

A public hearing has been scheduled for January 18, 2017 (snow date: January 25, 2017) at the Pelham Town Hall in order to receive public comments regarding the issuance of a state Permit to Operate.

Gary Milbury, Administrator of the Permitting and Environmental Health Bureau stated that a rulemaking petition has been filed by the New Hampshire Pipeline Health Study Group concerning fracking issues. Mr. Milbury reported that testing methods and sampling procedures will be determined to test for trace amounts of elements of concern in the gas. There were concerns from the council of how much the testing would cost and who would be responsible for payment. Director Wright specified that requested testing is the responsibility of the NHDES in order to protect public health, respond to citizens' requests, and in accordance with the NH Air Toxics Policy.

Vice-Chairman Collins questioned why the responsibility for this testing falls on the State of NH when numerous other industry and governmental groups are already involved in such research. Chairman Duval commented that undertaking such basic research is a "slippery slope" and the threshold for assuming this responsibility should be higher than mere "concern" expressed by various interested parties.

Compliance

Chairman Duval introduced Evan Mulholland, Administrator of the Compliance Bureau. Mr. Mulholland provided members of the ARC with a summary of the following recent enforcement actions undertaken by the ARD:

Four Letters of Deficiency (LOD) and thirteen Notices of Past Violations (NOPV) have been issued to various sources in NH.

Fines/Penalties Include:

- D.G. Whitefield - \$44,000, violations of PM Standard
- Mt. Cranmore - \$2,000, previous NOPV issued regarding unpermitted generators
- Hitchiner Manufacturing - \$6,000 and \$18,250, Toxics violations without a permit.

- Town of Richmond - \$6,900, Asbestos violations

Mr. Mulholland asserted that while NH is a business-friendly state, the NHDES maintains a consistent approach to assessing fines and penalties in accordance with the Compliance Assurance Response Policy. The NHDES continues to provide outreach efforts to businesses to ensure compliance assistance; adding that outreach concerning air quality-related compliance has also been included in the *NH Business Review* and the *NH Bar Journal*.

Director Wright stated that enforcement/compliance fines are not a revenue source for the ARD; rather, the dollars are allocated to the General Fund, and that all fines go through NHDES Legal unit.

Members of the ARC thanked Mr. Mulholland for providing them with information concerning the compliance and enforcement actions of the ARD, and requested updates at future ARC meetings every other month.

Env-A 500 – Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants

Chairman Duval introduced Karla McManus, Rules Coordinator for the ARD. Ms. McManus stated that the ARD is proposing to amend Env-A 500, *Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants*. The existing rule incorporates by reference certain federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for specific source categories (also known as MACT, for Maximum Achievable Control Technology). These three groups of federal standards, codified at 40 CFR 60, 61 and 63, respectively, are currently in effect and applicable to numerous state sources.

Under NH's delegation agreement with the United States Environmental Protection Agency (U.S. EPA), New Hampshire's rule is updated annually or semi-annually to incorporate new and revised federal NSPS, NESHAP, and MACT standards that have been promulgated since the last annual update.

From July 1, 2014 until June 30, 2016, EPA promulgated three NSPS, as codified in 40 CFR 60. The first is Subpart AAA, *Standards of Performance for New Residential Wood Heaters*, second is Subpart XXX, *Standards of Performance for Municipal Solid Waste Landfills*, and third is Subpart QQQQ *Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces*. We are taking partial delegation of Subpart AAA and Subpart QQQQ in order to be able to enforce the prohibition on the retail sale of non-certified wood heaters and retail-level wood heater labelling requirements. Evan Mulholland also stated that this is for business/retail and not for residence.

These federal standards are already in effect for existing sources, so adopting them by reference into Env-A 500 will not impose new requirements on any sources in New Hampshire. It will, however, allow the NHDES to perform certain administrative functions on behalf of the regulated entities.

The NHDES is also taking delegation of a new federal standard, codified at 40 CFR 62, *Approval and Promulgation of State Plans for Designated Facilities and Pollutants*, by adding a new Part Env-A 506

to take delegation of the state plan for existing source sewage sludge incineration units. Ms. McManus added that the ARD will also be amending NH's delegation agreement with U.S. EPA.

Members of the ARC discussed the proposed amendments to Env-A 500, and Raymond Donald entered a motion to accept the amended rule for a fifteen day review period. William Smagula seconded the motion. All were in favor. Chairman Duval instructed members of the ARD to contact Vice-Chairman David Collins with any comments concerning the proposed amendments to Env-A 500 within fifteen days.

Status of Appeals

Currently, there are no appeals before the ARC.

New Business

Raymond Donald entered a motion to accept the 2017 ARC meeting notice, and to post the notice on the ARC website. Kris Blomback seconded the motion. All were in favor. The motion carried.

Other Business

None

Public Commentary

No members of the public were present.

Adjourn

Having no further business to discuss, Chairman Duval suggested a motion to adjourn, moved by Deborah Chabot, seconded by Raymond Donald. All were in favor. Meeting #242 of the Air Resources Council adjourned at 10:05 a.m., on December 19, 2016.